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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/303,561	05/03/1999	TAKUYA MORISHITA	088941-0129	8535

7590 02/13/2003

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EXAMINER

BAUM, RONALD

ART UNIT

PAPER NUMBER

2131

DATE MAILED: 02/13/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/303,561	MORISHITA, TAKUYA
	Examiner Ronald Baum	Art Unit 2131

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is **FINAL**.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-9 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
  - a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____.
2) <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.	6) <input type="checkbox"/> Other: _____

**DETAILED ACTION**

1. Claims 1- 9 are pending for examination.
2. Claims 1- 9 are rejected.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1- 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over McDonnal et al, U.S. Patent 5,699,428, and further in view of examiners assertion.

As per claim 1, McDonnal et al is directed towards "a machine system for automatic decryption of confidential file data on a per-use [each access] basis and automatic later elimination of the decrypted data by scorching and/or re-encrypting is disclosed. The system can operate within [a] multi-threaded environment." The system decrypts files resident on the system (secret information storage) for specified access, and re-encrypts back (secret information storage means) to storage (ABSTRACT). The system tags specific state and cryptographic information in the process, for use in the file retrieval, cryptographic processing, and subsequent re-encryption and storage automatically to avoid the possibility of the file storage in an "unsafe state" (figure 3C and accompanying description).

McDonnal et al teaches of the use of system specific processes (i.e., memory and associated software methods running in a multi-threaded operating system process [space]) that clearly embody the cryptosystem key (storage) parameters and means for said parameter storage (figures 1, 7A and accompanying descriptions). Upon unauthorized access (illegal access via illegal access determining means) determination, such as the password obtained in an illegal manor, the key used for re-encryption and subsequent re-storage is determined.

McDonnal et al fails to disclose the use of a different key for the re-encryption prior to subsequent re-storage upon detection of improper access.

The examiner asserts that the use of a different key for the re-encryption prior to subsequent re-storage upon detection of improper access is known in the art.

It would have been obvious to a person of ordinary skill in the art at the time of the invention to be motivated to combine the McDonnal et al decryption/ re-encryption file access system with the use of a different key for the re-encryption prior to subsequent re-storage upon detection of improper access.

Such motivation exists because "The idea is to keep confidential information in an exclusively encrypted format as much as possible so that, even if the digitized data falls into the wrong hands, it is still secured by a private encryption key." ( McDonnal et al, col. 2, lines 42-45) The data having been compromised would necessitate the use of a new key to return to a secured state the file in question.

4. Claims 2, 5, 8 differ from claims 1, 4, 7 respectively, in that the method implemented on the system is recited. McDonnal et al clearly teaches of methods to be implemented by the system (figures 2A, 2B, 4A, 4B, and accompanying descriptions).

5. Claims 3, 6, 9 differ from claims 2, 5, 8 respectively, in that the storage medium storing the computer executable program for the method implemented on the system is recited.

McDonnal et al clearly teaches of a storage medium storing the computer executable program for the method to be implemented by the system (col. 34, lines 20- 36).

6. Claim 4 additionally recites the limitation that the data (i.e., file) storage and cryptographic parameters storage are separately constructed. McDonnal et al clearly teaches of a storage medium storing the data (i.e., file) storage and cryptographic parameters on a floppy disk (col. 2, lines 20- 25), as well as a system fixed disk subsystem per se (figure 1, “DISK SUBSYSTEM 150”).

7. Claim 7 additionally recites the limitation that the system is applied to an IC card. The examiner takes official notice that an IC card (i.e., smartcard) encompasses the CPU (processing means), memory (non-volatile, EEPROM), and input/output component that a system such as that recited in the McDonnal et al system would embody.

### ***Conclusion***

8. Any inquiry concerning this communication or earlier communications from examiner should be directed to Ronald Baum, whose telephone number is (703) 305-4276. The examiner can normally be reached Monday through Friday from 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gail Hayes, can be reached at (703) 305-9711. The Fax numbers for the organization where this application is assigned are:

After-final (703) 746-7238

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Official (703) 746-7239

Non-Official/Draft (703) 746-7246

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